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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,998	02/06/2004	James R. Hernandez	S1916/RVW/S813	8404
23363 7590 02/02/2007 CHRISTIE, PARKER & HALE, LLP PO BOX 7068 PASADENA, CA 91109-7068			EXAMINER [REDACTED]	GALL, LLOYD A
			ART UNIT [REDACTED]	PAPER NUMBER 3676
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/02/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/773,998	HERNANDEZ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lloyd A. Gall	3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 November 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2,5-11,13-16,18-21,23 and 24 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,5-11,13-16,18-21,23 and 24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 February 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

Claim 10 is objected to because of the following informalities: In claim 10, line 5, "arm" should be replaced with --T-key--. Appropriate correction is required.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2; 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis (806) in view of Allen (418).

As seen in figs. 22-24, Davis teaches a lock assembly including a deadbolt which is actuated by a cam 420, 420a, a housing 416, a first lock actuating means 414, 422, a second lock actuating means 426, an arm 424 which is a T-key in view of the projecting ends of pin 432 of the arm 424, the first actuating means being removably connected to the deadbolt as seen in the 422, 423 disengaged position of fig. 23, the second actuating means 426 connected to the deadbolt by the arm 424 and cam 420 engagement in figs. 22 and 23 positions, a lockout position as seen in fig. 23 wherein the deadbolt is connected to the second means 426 but disconnected from the first means 414, 422, wherein the second means 426 includes a T-key arm 424, and the cam 420 is regarded as being directly connected to the deadbolt, and the cam 420 includes a slot 423 for receiving the T-key 424. With respect to claim 2, in the fig. 23 lockout position, the deadbolt can be moved to the unlocked position by the second means 426, but cannot be moved to the unlocked position by the first means 414, 422.

With respect to claim 6, both means 414 and 426 are rotary. With respect to claim 14, Davis also teaches a force transmission means defined by the front flange 414a in fig. 22 which will abut the housing 416 when an outside force acts upon the first means 414. Allen teaches a deadbolt 16 movable within and out of a guide 48 as seen in fig. 4. It would have been obvious to modify the lock assembly of Davis such that the deadbolt moves within and out of a guide, in view of the teaching of Allen, the motivation being to guide and ensure the proper sliding of the deadbolt into its door frame keeper, as is well known in the lock/latch art.

Claims 5 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Allen as applied to claims 1 and 6 above, and further in view of Aston (791).

Aston teaches an engagement between a first lock actuating means 20 and an arm 8, 18, defined by protrusions above and below the slot 19 of the first means 20 as seen in fig. 5. It would have been obvious to modify the engagement 422, 423 of Davis to include protrusions on the first means 414, 422 for receiving the arm 424, in view of the teaching of Aston, to provide another well known type of torque transfer between a lock actuating means and a cam.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Allen and Aston as applied to claim 8 above, and further in view of LaConte et al.

LaConte teaches an override handle 60 having a notch 68 cooperable with a protrusion 66 on the cover plate 64, 66 to laterally move the second lock actuating means handle

58 laterally away from the cover plate and disengage the arm 57 from the slot 74 to define a lockout position to disable the first lock actuating means 14. It would have been obvious to modify the slots 434 and pin 432 of Davis to include a second, override handle and groove that mates with a protrusion on a cover plate, in view of the teaching of LaConte et al, the motivation being to simplify disengagement of the means 414, 422 of Davis from the arm 424.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Allen as applied to claim 1 above, and further in view of Takimoto or Saino. Takimoto teaches a deadbolt 4 biased to an unlocked position by a spring 6 cooperable between shoulders (the left side of the housing 3) and a shoulder 5 on the bolt. Saino teaches a deadbolt 29 biased to an unlocked position by a spring 41 cooperable with shoulders 45 and 35 on the housing and bolt. It would have been obvious to modify the deadbolt and its housing and guide of Davis as modified by Allen such that the deadbolt is biased to its unlocked position by a spring and shoulders, in view f the teaching of Takimoto or Saino, the motivation being to prevent inadvertent locking of a door in an emergency.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Allen and Saino as applied to claim 11 above, and further in view of Russo. The shoulder 45 of Saino is in the form of a ring in the housing 51. Russo teaches a snap ring 99 used with a groove 96 of a bolt housing. It would have been obvious to substitute a snap ring for the ring 45 of Saino for use with the lock of the modified Davis

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reference, in view of the teaching of Russo, the motivation being to simplify assembly of the ring in the housing.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Allen as applied to claim 14 above, and further in view of Russell et al (233). Russell teaches a housing 10 for a lock having a nut 28 cooperable adjacent a snap ring 32 for use with an opening 26 and a groove 43, 44 of the housing. It would have been obvious to modify the lock 414 of Davis to include a lock cylinder cooperable with an opening and groove of the housing, and a nut and snap ring, in view of the teaching of Russell et al, the motivation being to simplify assembly of the first lock actuating means 414 of Davis, and to transfer force applied to the first actuating means to the housing 416, to prevent tampering with the lock assembly.

Claims 16, 18, 19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Allen and Aston.

As seen in figs. 22-24, Davis teaches a lock assembly including a deadbolt which is actuated by a cam 420, 420a, a housing 416, a first lock actuating means 414, 422, a second lock actuating means 426, an arm 424 which is a T-key in view of the projecting ends of pin 432 of the arm 424, the first actuating means being removably connected to the deadbolt as seen in the 422, 423 disengaged position of fig. 23, the second actuating means 426 connected to the deadbolt by the arm 424 and cam 420 engagement in figs. 22 and 23 positions, a lockout position as seen in fig. 23 wherein the deadbolt is connected to the second means 426 but disconnected from the first means 414, 422, wherein the second means 426 includes a T-key arm 424, and the

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cam 420 is regarded as being directly connected to the deadbolt, and the cam 420 includes a slot 423 for receiving the T-key 424. In the fig. 23 lockout position, the deadbolt can be moved to the unlocked position by the second means 426, but cannot be moved to the unlocked position by the first means 414, 422. Davis also teaches a force transmission means defined by the front flange 414a in fig. 22 which will abut the housing 416 when an outside force acts upon the first means 414. Allen teaches a deadbolt 16 movable within and out of a guide 48 as seen in fig. 4. Aston teaches an engagement between a first lock actuating means 20 and an arm 8, 18, defined by protrusions above and below the slot 19 of the first means 20 as seen in fig. 5. It would have been obvious to modify the lock assembly of Davis such that the deadbolt moves within and out of a guide, in view of the teaching of Allen, the motivation being to guide and ensure the proper sliding of the deadbolt into its door frame keeper, as is well known in the lock/latch art. It would have been obvious to modify the engagement 422, 423 of Davis to include protrusions on the first means 414, 422 for receiving the arm 424, in view of the teaching of Aston, to provide another well known type of torque transfer between a lock actuating means and a cam.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Allen and Aston as applied to claim 16 above, and further in view of LaConte et al.

LaConte teaches an override handle 60 having a notch 68 cooperable with a protrusion 66 on the cover plate 64, 66 to laterally move the second lock actuating means handle 58 laterally away from the cover plate and disengage the arm 57 from the slot 74 to

define a lockout position to disable the first lock actuating means 14. It would have been obvious to modify the slots 434 and pin 432 of Davis to include a second, override handle and groove that mates with a protrusion on a cover plate, in view of the teaching of LaConte et al, the motivation being to simplify disengagement of the means 414, 422 of Davis from the arm 424.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Allen and Aston as applied to claim 16 above, and further in view of Takimoto or Saino.

Takimoto teaches a deadbolt 4 biased to an unlocked position by a spring 6 cooperable between shoulders (the left side of the housing 3) and a shoulder 5 on the bolt. Saino teaches a deadbolt 29 biased to an unlocked position by a spring 41 cooperable with shoulders 45 and 35 on the housing and bolt. It would have been obvious to modify the deadbolt and its housing and guide of Davis as modified by Allen such that the deadbolt is biased to its unlocked position by a spring and shoulders, in view f the teaching of Takimoto or Saino, the motivation being to prevent inadvertent locking of a door in an emergency.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Allen and Aston as applied to claim 23 above, and further in view of Russell et al.

Russell teaches a housing 10 for a lock having a nut 28 cooperable adjacent a snap ring 32 for use with an opening 26 and a groove 43, 44 of the housing. It would have been obvious to modify the lock 414 of Davis to include a lock cylinder cooperable with

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an opening and groove of the housing, and a nut and snap ring, in view of the teaching of Russell et al, the motivation being to simplify assembly of the first lock actuating means 414 of Davis, and to transfer force applied to the first actuating means to the housing 416, to prevent tampering with the lock assembly.

Applicant's arguments filed November 13, 2006 have been fully considered but they are not persuasive. In response to applicant's REMARKS/ARGUMENTS, it is submitted that the primary reference to Davis is regarded as teaching a T-key, as is claimed, as Davis teaches ends of a pin 432 which render the arm 424 a T-key. It is also submitted that the Remarks in the last paragraph of page 6 are not clear with respect to which combination of references or which claims are being rejected through impermissible hindsight. It is noted that the rejection of claim 1, for example, involves only providing a guide for the deadbolt of Davis, in view of the teaching of Allen.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. It is noted that the newly cited reference to Fernandez also teaches a T-key coupling 50.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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January 31, 2007

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